

## **REMARKS**

This Amendment is responsive to the Office Action mailed on November 25, 2008. The Examiner's comments set forth in the Office Action have been considered.

Claims 45-52 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with a written description requirement, for reasons set forth in paragraph 3 of the Office Action. The Examiner has indicated that no support could be found in the specification for the teaching of "partly or fully" generating a phrase, referring to Fig. 4 of the application. This rejection is respectfully traversed. It is not clear whether the Examiner was referring to "partly or fully" generating a phrase or generating a partial or full phrase. It is clear that the speech generating device of the present invention generates a phrase. However, as Fig. 4 makes it clear that phrase may include a greater or fewer number of words depending on the commands. In the example given, the phrase may be modified by combining various word combinations. Therefore, to the extent that a string of words are modified and shortened or replaced by other words that string of words can be said to be partly or partially generated, with or without the addition of additional of other words or phrases. Nevertheless, the claims have been amended to omit the phrase "partly or fully" that has been objected to by the Examiner. Such amendments should overcome the rejections set forth in paragraph 3 of the Office Action.

Claims 45-46 have also been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with a written description requirement. Here, the Examiner has indicated that no support can be "reasonably found in light of the specification" for

making the execution of commands conditional. This rejection is likewise respectfully traversed. The fact that the different phrase combinations generated, as exemplified in Fig. 4 of the application, it is believed that such teaching, in combination with the descriptive portion of the specification, clearly supports that different conditions can occur that trigger different word combinations. In any event, in order to expedite the prosecution of the application and to address the Examiner's rejection, the words "if" have been changed to - -when- - throughout the claims. It is respectfully submitted that the amendments overcome the rejections set forth in paragraph 4 of the Office Action and reconsideration and withdrawal of this rejection is respectfully requested.

Claims 45-47 and 50, all independent claims of record, have been rejected as being fully anticipated by Japanese Publication 08-215433 to Shigeki for reasons set forth in paragraph 6 of the Office Action. For reasons more specifically set forth below, this rejection is respectfully traversed and reconsideration by the Examiner is respectfully requested.

Each of independent claims 45, 46, 47, and 50 recites a superior phrase group that includes a first command, a second command, and a third command. In claim 45, for example, the first command is used for selecting an additional phrase from a subordinate phrase group; the second command is used for searching a subordinate phrase group and selecting a phrase from the searched phrase group; and the third phrase is used for playing no phrase.

Therefore, when once a phrase is selected in response to the progress of the game, an additional phrase suitable (relating) for the selected phrase is automatically selected by

the first command or the second command (please refer to, for example, lines 6-11, page 10 of the specification).

Further, by way of using the third command, it is possible to prevent words of a running commentary from continuing without any pauses. Such successive words may cause player discomfort and, thus, the player may lose interest in the game. For example, by adjusting the frequency of the third commands, the frequency of generation of phrases can be adjusted, realizing a wide variety of running commentaries, even if the game progresses the same way (please refer to, for example, line 26, page 9 to line 5, page 10 of the original specification).

In addition, since the second command is defined, even if the number of phrases should be subsequently increased, by simply associating the second command with an additional phase group, it is possible to simplify programming of the game and also save memory (please refer to, for example, lines 12- 15, page 13 of the original specification).

Please note that the above arguments were also made in the corresponding Japanese patent application, which is now patented, notwithstanding the citation of Shigeki.

In the outstanding Office Action, the Examiner has stated that all of the subject matters recited in the claimed invention are found in Shigeki without pointing out where this reference teaches or suggests, even remotely, the above first, second and third commands.

In fact, Shigeki merely discloses that voice data for play-by-play broadcasting is randomly selected from a voice data group as described throughout the whole of its specification (please refer to, for example, paragraphs [0021], [0061], [0069], [0082],

[0083], [0091], [0095], and [0113] in Shigeki). In addition, Shigeki also explicitly discloses that the contents of the voice data is formed as fixed data (please refer to, for example, paragraph [0091] in Shigeki).

In view of the above descriptions, Shigeki only can randomly select a single phrase according to the progress of the game from the predetermined and fixed voice data group.

Further, Shigeki discloses that the voice data includes the voice substitution area 800 which is selectable by the player or selectable at random depending on the situation, such as a race (please refer to, for example, paragraphs [0112] and [0113]). The Examiner may have considered that the “hierarchical structure”; the “first command”, or the “second command” read on these descriptions concerning the voice substitution area 800.

However, the voice substitution area 800 is an area set for substitute voice data and is not a command. This point is clearly identified from the descriptions and, for example, paragraphs [0067] to [0070] of Shigeki). Specifically, these paragraphs [0067] to [0070] recites that the pattern distinction section 52 judges a fundamental game expansion pattern and output to the speech synthesis section 54 the voice data read-out command of play-by-play broadcasting corresponding to the result of the judgment.

As a result of the above reasons, in Shigeki, it would be necessary to prepare lots of fixed voice data to be set to the voice substitution area 800 for responding to a wide variety voice outputting in accordance with many game situations, in advance.

In addition, even if the voice substitution area 800 in Shigeki corresponded to the first command or the second command in the claimed invention, it is respectfully

submitted that Shigeki nevertheless fails to disclose or even remotely suggest the third command in the claimed invention and clearly, recited, directly or indirectly, in all the claims of record.

Accordingly, we believe that Shigeki is completely silent with respect to the subject matter of the independent claims and cannot anticipate the claimed invention.

Claims 48-49 and 51-52 have been rejected as being obvious and, therefore, unpatentable on the basis of Shigeki, for reasons set forth in paragraph 10 of the Office Action. However, these claims are dependent on one of the aforementioned allowable claims 45-47 and/or 50, and, therefore, should be allowed with the allowance thereof.

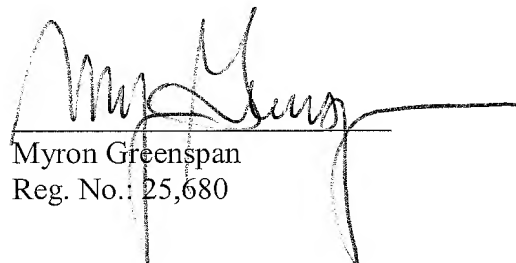
In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Early allowance and issuance is, accordingly, respectfully solicited.

The Commissioner is hereby authorized to charge payment of the fees associated with this communication and during the pendency of this application or credit any overpayment to Deposit Account No. 10-0100.

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Respectfully submitted,



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